

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-VS-

DONALD SIMON

Defendant

CASE NO. 1:06CR565

: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING

07 MAY -2 PM 3:05
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Donald Simon which was referred to the Magistrate Judge with the consent of the parties.

On 6 December 2006, the government filed a two-count indictment against Donald Simon for conspiracy to distribution cocaine base and cocaine in violation of 21 U.S.C. Section 846, and possession of cocaine base with intent to distribute in violation of 21 U.S.C. Sections 841(a)(1)(and (b)(1)(C). On 7 December 2006, a hearing was held in which Donald Simon entered a plea of not guilty before Magistrate Judge Patricia A. Hemann. On 11 April 2007, Magistrate Judge Vecchiarelli received Donald

Simon's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Donald Simon is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Donald Simon is adjudged guilty of the lesser offense set forth in Count One of the Indictment, in violation of 21 U.S.C. Sections 846 and 841(b)(1)(C).

Sentencing will be:

2 July 2007 at 3:00 p.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

2 May 2007

Lesly Mills
UNITED STATES DISTRICT JUDGE